

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

July 14, 2015

MEMORANDUM FOR:

Leon Rodriguez
Director
U.S. Citizenship and Immigration Services

From:

Jeh Charles Johnson
Secretary

A handwritten signature in black ink, appearing to read "Jeh Charles Johnson", with a stylized flourish at the end.

Subject:

Texas et al v. United States of America, et al, Civil
Action No. B-14-254 (S.D. Tex.)

As you know, on July 9 we notified the District Court of the existence of approximately 500 three-year EADs that were first sent prior to the injunction, returned to sender, and re-sent after the issuance of the injunction. As I have with my directive of July 10, I am directing U.S. Citizenship and Immigration Services (USCIS) to undertake a series of actions to immediately rectify this situation. As I understand it, USCIS has already begun updating its internal systems to reflect that these approximately 500 DACA recipients are recorded as having two-year, rather than three-year, DACA approvals and work authorizations.

In addition, USCIS has updated its system to ensure that no further three-year EAD's that are (or have been) returned to sender are re-mailed to the recipient as a three-year EAD.

I hereby direct the following:

First, USCIS shall immediately issue new approval notices and EADs reflecting two-year validity for the approximately 500 DACA recipients.

Second, USCIS's SAVE system shall immediately be updated to reflect that the authorizations for these approximately 500 DACA recipients are for a period of two years, not three. When this update is complete, all states that use the SAVE database will be able to verify the proper, two-year time period for DACA and work authorization, for purposes of issuing drivers' licenses and other benefits.

Third, USCIS shall immediately update its E-Verify system to ensure that any queries by employers indicate, with respect to these DACA recipients, a two-year, rather than three-year, term of work authorization.

Fourth, USCIS shall, with respect to these DACA recipients, no later than close of business on July 17, mail a Notice of Intent to Terminate, informing the recipient that his or her deferred action status and associated employment authorization will be terminated by no later than July 31 if he or she has not returned the three-year EAD. The Notice should explain that to prevent the termination, the DACA recipient must mail, and USCIS must receive by July 27, the invalid EAD *or* appear at a USCIS field office to return their three-year EAD. The Notice will explain that failure to return the card or to certify good cause for failing to do so will result in termination.

Fifth, by no later than July 17, USCIS shall also make in-person telephone calls to these DACA recipients to inform them that they have been issued a Notice of Intent to Terminate and provide them appropriate direction to appear at a USCIS field office to return their three-year EADs or to immediately mail their invalid EAD.

Sixth, USCIS shall dispatch its personnel to visit the homes of these DACA recipients, for the purpose of retrieving the three-year EADs. USCIS personnel shall do this at a reasonable hour, and in a respectful and appropriate manner. Alternatively, USCIS should send an INFOPASS Notice advising these DACA recipients to appear at a USCIS field office at a specific time and location and be prepared to surrender their three-year EADs, or contact the attorney of record for the DACA recipient. USCIS shall exercise its judgment as to whether, in the first instance, a home visit is most appropriate and effective, but in every case USCIS shall have, by July 30, either (i) retrieved the three-year EAD, (ii) visited the home of the DACA recipient listed in USCIS records for purposes of retrieving the three-year EAD, or (iii) received from the DACA recipient a written certification that he or she does not have a three-year EAD in his or her possession because it was lost, stolen, destroyed, or for other good cause.

Seventh, USCIS shall communicate with immigrant advocacy organizations and other suitable representatives its plan of action for compliance with this directive -- specifically that meetings and home visits are solely for the purposes of compliance with this directive.

Eighth, with respect to those of the approximately 500 DACA recipients from whom USCIS has not received a three-year EAD by close of business on July 30, those recipients' deferred action and employment authorization shall be terminated on July 31.

Ninth, USCIS shall advise me on July 17, July 20, July 24, and July 27 on the status of its compliance with this directive.

This directive is not intended to preclude other appropriate and lawful actions by USCIS to accomplish the objectives set forth herein. Also, this directive should not be read to impact or alter the ongoing meet and confer process being engaged in by the defendants, through the Department of Justice, in the Texas litigation.